

United States District Court
Western District of Texas
San Antonio Division

Joe Holcombe, et al.
Plaintiffs,

v.

United States of America,
Defendant.

No. SA-18-cv-00555-XR
(consolidated cases)

Defendant's Deposition Counter Designations to the Testimony of Jimmy Dale Stevens.

Defendant submits the following counter designation of the testimony given by Jimmy Dale Stevens. by deposition on May 7, 2020 to be used at trial. An excerpted transcript reflecting these counter designations attached as Government Trial Exhibit GEX-283.

<u>Plaintiffs' Designated testimony</u>	<u>Counter- Designation</u>	<u>Transcript</u>
9:11-13		
13:11-16		
14:8-9		
14:25-15:3		
15:21-16:4	16:8-20	8 Q. Okay. So your parents had two children, you 9 and Peggy? 10 A. Yes. 11 Q. And then Leisa and Brad, were they your 12 mother's children or your father's children? 13 A. Leisa was my mother's child; Brad is my 14 father's child. 15 Q. And are they younger or older than you? 16 A. Younger. 17 Q. Okay. So after your parents had you and 18 Peggy, they divorced and had other marriages and other 19 children. Am I understanding that accurately? 20 A. Yes, that's right.
26:3-8	26:9-11	9 Q. Okay. So she regularly attended church there. 10 Was she a member of the church? 11 A. Yes.
26:15-21		
	28:10-19	10So at some point in your very young 11 years, your parents got divorced. 12 A. Correct. 13 Q. Okay. And then your grandparents on -- your 14 maternal grandparents took guardianship of you and 15 Peggy? 16 A. Yes.

		17 Q. And you lived in La Vernia because we talked 18 about you living in La Vernia for your whole life. 19 A. Right.
	29:20-24	20..... So she lived with your grandparents 21 until she was about 16, then she moved in with your 22 mother and then she married and moved in with her 23 husband. 24 A. Yes.
32:2-17		
	32:20-33- :15	20 So your -- your grandparents, did they 21 own that farm your entire life? 22 A. Yes. 23 Q. Okay. Did you grow up in a house on that 24 farm? 25 A. No. We grew up in a house in the city of 1 La Vernia, it was my grandpa's. Moved to the farm 2 about '82. 3 Q. They built a house on the farm or was the 4 house already there? 5 A. It was there. 6 Q. Okay. Is that the house you live in now? 7 A. No. 8 Q. Did you build a house on the farm? 9 A. Yes, ma'am. 10 Q. Did your sister build a house on the farm? 11 A. No, she lived in my grandparents' house. 12 Q. Okay. So she lived in your grandparents' 13 house on the farm and then you built a house on the 14 farm. 15 A. Yes.
	34:2-9	2 Q. Okay. And do you -- who owns the farm? 3 A. Myself -- do you mean today? 4 Q. Today. Who owns the farm today? 5 A. Me, my niece Jennifer, Peggy's daughter, owns 6 five acres and my oldest son Kaden owns seven acres. 7 Q. So Kaden owns seven acres, Jennifer owns five 8 acres and you own the rest? 9 A. Yes.
34:10-23		
35:15-23	35:23-25	23 We just grew up 24 together in a not quite normal situation so I think it 25 bonded us in lots of ways.
36:1-23		
	37:1-3	1 When did she move onto the farm? 2 A. I don't remember. She lived in a house in 3 La Vernia that my grandparents had for a long time.
37:13-20		

38:6-7		
38:10		
38:17-18		
	39:15-21	<p>15So they moved at some point to</p> <p>16 La Vernia and lived in the house in the city of</p> <p>17 La Vernia. Is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And then at some point, both Chris and Peggy</p> <p>20 moved to the farm?</p> <p>21 A. Yes.</p>
	39:25-40:2	<p>25 How long did they live together on the</p> <p>1 farm?</p> <p>2 A. Roughly three or four years.</p>
40:3-25		
41:7-19	41:19-21	<p>19.....The jobs that I remember her always having</p> <p>20 would be either bookkeeping or tax preparing or</p> <p>21 housekeeping.</p>
41:22-25	42:1-6	<p>1 did that because she wanted to. She worked for a</p> <p>2 lady -- and I can't remember -- I believe the lady</p> <p>3 lived in San Antonio and needed full-time care and</p> <p>4 Peggy worked taking care of her until her husband got</p> <p>5 too sick to stay by himself, then she stopped and just</p> <p>6 stayed with him.</p>
42:11-13		
	42:14-21	<p>14 Q. Okay. And so at the time Peggy passed away,</p> <p>15 she had just stopped caring for her husband.</p> <p>16 Do you know if she'd taken on any other</p> <p>17 kind of employment?</p> <p>18 A. I don't think at that -- that point she -- she</p> <p>19 had taken on a job. She was talking about different</p> <p>20 jobs and different things she was going to do, but then</p> <p>21 she never got the chance.</p>
42:22-25		
	43:11-15	<p>11 Where -- at the time of the shooting,</p> <p>12 where on the farm did Jennifer live? Did she live with</p> <p>13 her mom? Did she have her own house?</p> <p>14 A. She had her own house next to that little</p> <p>15 trailer park.</p>
43:16-23		
46:13-47:12		
47:22-48:3		
48:7-14		
	48:15	15 Q. Does Patsy have any medical issues?
	48:25-49:3	<p>25 A. Some of both. She has a pacemaker and she's</p> <p>1 had problems with heart, weakness, things like that.</p> <p>2 And she has had -- she has been under treatment for</p>

		3 depression and mental illness, yes.
49:4-7		
50:10-25		
52:5-15	52:16-19	16 Q. Has she had any physical changes? Has she 17 gained any weight, lost any weight, had any physical 18 medical conditions following Peggy's passing? 19 A. No, not that I'm aware of.
	54:20-55:3	20 Q. How about Jennifer, what is the highest level 21 of education that Jennifer has? 22 A. High school. 23 Q. What does Jennifer currently do for 24 employment? 25 A. She's a housewife as far as I -- I don't know 1 of her holding a job outside the home. 2 Q. Is she currently married? 3 A. No.
	55:13-19	13 Q. Okay. Do you know what your sister's income 14 was at the time of the shooting how much she was making 15 annually? 16 A. No. 17 Q. You indicated that at the time of the shooting 18 she wasn't currently working? 19 A. Correct. Yes.
	56:17-23	17 Q. Do you know who paid the funeral expenses for 18 your sister's funeral? 19 A. No. The church did not charge and I believe 20 the pastor did not either. 21 Q. Did you have to pay a bill for the funeral out 22 of your sister's estate? 23 A. No, I did not.
	57:8-15	8 Q. At the time of your sister's passing, what 9 assets did you -- did she own? I think we talked about 10 the five acres of land on the farm that you had given 11 her. 12 What other assets did she have? 13 A. Pickup truck, had a second truck. She did own 14 a -- I believe a sports utility vehicle. Household 15 goods.
	57:23-58:6	23 Who received her assets after her 24 passing, her vehicles -- we talked about the five acres 25 went to Jennifer. Who received the assets after her 1 passing? 2 A. Her daughter Jennifer. 3 Q. Okay. Did she have any investments? 4 A. I don't think so. 5 Q. Did she have a life insurance policy? 6 A. No.

60:10-20		
61:3-4	61:4-5	4.....He rides back and forth 5 right by my house.
61:6-10		
61:14-18		
	61:19-22	19 Prior to the shooting, 20 what -- what was his employment or was he employed or 21 was he going to school? 22 A. He was in high school.
62:1-15		
62:25-63:10		
63:15-20		

Respectfully submitted,

Ashley C. Hoff
United States Attorney

By: /s/ James E. Dingivan

James E. Dingivan
Assistant United States Attorney
Texas Bar No. 24094139
james.dingivan@usdoj.gov
Clayton R. Diedrichs
Assistant United States Attorney
Colorado Bar No. 16833
clayton.diedrichs@usdoj.gov
James F. Gilligan
Assistant United States Attorney
Texas Bar No. 07941200
jim.gilligan@usdoj.gov
Jacquelyn M. Christilles
Assistant United States Attorney
Texas Bar No. 24075431
jacquelyn.christilles@usdoj.gov
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
Jocelyn Krieger
Trial Attorney
New Jersey Bar No. 065962013
jocelyn.krieger@usdoj.gov
175 N St. NE
Washington DC 20002
(210) 384-7372 (phone)
(210) 384-7312 (fax)